

***Guidelines for the Preparation of Individual Mitigation Plans  
2007 Curtailment Orders – Blue Lakes and Snake River Farm Delivery Calls***

Individual mitigation plans may be considered by IDWR under the terms of the June 15, 2007 order requiring curtailment of junior priority ground water rights in the Blue Lakes and Snake River Farms delivery calls. Mitigation plans are not required to be submitted in any particular format, but the submission of a complete, detailed plan will speed any review process.

Individual mitigation plans that involve voluntary curtailment of ground water rights within the affected delivery call areas and within close proximity of the curtailed right(s) will likely be easier to review, and if accepted, easier to monitor. IDWR staff will provide water right proof reports and color map copies for use in preparation of mitigation plans, but will not be available to assist in the preparation of any mitigation plan.

The following are IDWR minimum requirements for an individual mitigation plan:

- The plan must identify the curtailed water right or rights.
- The mitigating water right or rights must be deliverable in priority and not be curtailed by IDWR curtailment orders.
- The mitigating water right or rights must not be:
  - a) part of any other current, ongoing mitigation plan,
  - b) enrolled in CREP, or
  - c) enrolled in the State Water Supply Bank
- The mitigating water right or rights must provide sufficient rate, volume, acres and historical consumptive use to fully offset the anticipated depletion caused by the curtailed right. The mitigating right(s) or the portion(s) designated for mitigation, may not be diverted at the original place of use for the term of the mitigation plan.
- The mitigating water right or rights must have evidence of use in the past five years (2002-2006). The plan should indicate the last year of use of the right and the nature of the use.
- Plans involving surface water are problematic since the source of water may be owned or controlled by a canal company or other delivery entity, subject to use by other water users, and/or require significant monitoring. Plans that propose leaving unused canal shares in a ditch or pond will not likely be accepted in 2007.
- The mitigating water right or rights must be legally available for use by the curtailed water right holder, as evidenced either by water right ownership or by private agreement with another party.
- Minimum required information pertaining to irrigated acres idled for mitigation purposes shall include:
  - A standard PLS legal description of each tract to quarter-quarter designation, with the number of mitigation acres per quarter-quarter noted.
  - A clear and detailed map showing exact locations of mitigation acres. Maps may be copies of aerial photography, copies of FSA maps, or may even be images generated by GoogleEarth or similar websites, so long as the township, range and section are clearly marked.
  - Identification of all appurtenant water rights and any other sources of water used on the land, including canal shares.
  - Identification of points of diversion and current owners of the water rights and lands, and
  - Use of the land during 2007.

- Any mitigation plan that involves a mitigating water right located more than 10 (ten) miles away from the location of the curtailed water right(s) will require additional analysis for aquifer impacts using the IDWR Eastern Snake Plain Aquifer (ESPA) Ground Water Rights Transfer Spreadsheet. In such cases, an ESPA model analysis of effects must be included as part of the plan. Plans that propose use of a mitigating water right located more than ten miles from the location of the curtailed water right (not within the same or adjacent model cell) and that do not include the ESPA transfer spreadsheet analysis will not be considered by the Director.
- Any plan received after June 29, 2007 will not be considered by the Director.